

**TOWN OF DAVIE
REGULAR MEETING
JUNE 2, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance led by Girl Scout Troop 1102.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting. As no one spoke, Mayor Truex closed this portion of the meeting.

4. PRESENTATION

4.1. Six Month Financial Report

Budget and Finance Director William Underwood presented overview of the sixth-month financial report for the fiscal year 2004.

Councilmember Starkey asked about the rise in gas prices and asked how the gas tax would impact the Town's revenues. Mr. Underwood indicated that the gas tax was based on a per gallon cost, which could not be easily estimated. He advised that the Town was expected to reduce revenues by about \$387,000 or a total reduction of 1.5%. Regarding expenditures, Mr. Underwood advised that 56% was spent on public safety, 27% on general government, 7% on recreation, and 8.4% on public works and transportation. He anticipated some increases in expenditures coming from seasonal hiring and public works costs. Mr. Underwood spoke of funds to be transferred to the Community Redevelopment Agency and impact fees which would result in further expenditures.

Vice-Mayor Paul asked about cuts and funds which might come from contingencies to make up for the increased gas costs. Mr. Underwood advised that it was estimated that an extra \$50,000 would be spent this year. Vice-Mayor Paul asked that staff research the use of hybrid vehicles in the future to reduce gas expenses and protect the environment. Mr. Willi opined that the Town's operations always examined costs.

Mayor Truex announced that item 7.7 needed to be tabled to June 16, 2004. Mr. Willi explained the reason for the tabling request.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 5.21 needed to be tabled to June 16, 2004.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 7.8 needed to be tabled to July 7, 2004. Mr. Kutney explained the reason for the tabling request.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

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Mayor Truex announced that item 7.9 needed to be tabled to June 16, 2004. Dennis Mele, on behalf of the applicant, explained the reason for the tabling request.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 7.10 had been withdrawn.

Mayor Truex announced that item 5.30 needed to be added to the agenda.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

5. APPROVAL OF CONSENT AGENDA

Minutes

- 5.1. March 17, 2004 (Regular Meeting)
- 5.2. March 22, 2004 (Special Meeting)
- 5.3. March 22, 2004 (Workshop Meeting)

Home Occupational License

- 5.4. American Copier Rental, 13830 SW 33 Court

Resolutions

- 5.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-121 THE BID FOR ASPHALT OVERLAY. (Weekley Asphalt Paving, Inc.)
- 5.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-122 THE BID AWARDED BY HILLSBOROUGH COUNTY FOR ONE HURRICANE
FIRE RESCUE TANKER/PUMPER WITH ASSOCIATED EQUIPMENT, BID NO.
BPCW02000033. (Emergency One, Inc. - \$416,301)
- 5.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-123 THE BID FOR DRY CLEANING OF POLICE AND FIRE DEPARTMENT
UNIFORMS. (Pinnacle One Price Dry Cleaning of Davie, LLC)
- 5.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2004-124 THE BID AWARDED BY THE STATE OF FLORIDA, AGREEMENT NO. 650-001-
04-1 FOR SUPPLYING PLAYGROUND EQUIPMENT FOR "SW 71st TERRACE
PARK". (Play Space Services, Inc." for playground equipment in the amount of
\$29,203.20)
- 5.9. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-125 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 3 TO
THE CONTRACT BETWEEN THE TOWN AND MORGAN GENERAL
MECHANICAL GROUP, INC. FOR THE CONSTRUCTION OF A FUEL ISLAND AT
THE POLICE & FIRE/EMS FACILITY. (\$9,950)

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- 5.10. **CONTRACT** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-126 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ENGINEER
CONTROLS SYSTEMS CORP. FOR VISTA FILARE DRAINAGE IMPROVEMENTS.
(\$360,500)
- 5.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-127 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
RIVER STONE HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF DAVIE
POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 5.12. **APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-128 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FDOT
INTERMODAL DEVELOPMENT PROGRAM ON BEHALF OF NOVA
SOUTHEASTERN UNIVERSITY FOR A TRANSIT TERMINAL AND
AUTHORIZING THE TOWN TO ACT AS THE GOVERNMENTAL SPONSOR FOR
SUCH APPLICATION.
- 5.13. **ALIGNMENT ALTERNATIVE** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-129 FLORIDA, REITERATING THE TOWN'S POSITION THAT IF ALIGNMENT
ALTERNATIVE #1 OR #2 OF THE CENTRAL BROWARD EAST-WEST TRANSIT
ANALYSIS IS IMPLEMENTED THAT IT INCLUDE SOUND ATTENUATION
BUFFERS AND LANDSCAPING ALONG I-595/SR84 TO MITIGATE NOISE
POLLUTION FOR DAVIE RESIDENTS.
- 5.14. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-130 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE
LIENS IN CASE NO. 00-413 FROM \$38,500. IN AMOUNT TO \$709.19; AND
PROVIDING AN EFFECTIVE DATE.
- 5.15. **EVERGLADES RESTORATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-131 FLORIDA, REAFFIRMING ITS COMMITMENT TO RESTORATION OF THE
EVERGLADES, RECOGNIZING THE IMPORTANCE OF IMPROVING WATER
QUALITY, AND SUPPORTING THE OPPORTUNITY TO PARTICIPATE IN THE
BROWARD EVERGLADES WORKING GROUP.
- 5.16. **RESTRICTIVE NOTE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-132 APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE
ON THE SUBDIVISION PLAT KNOWN AS THE YOUNG WORLD PLAT, AND
PROVIDING AN EFFECTIVE DATE. (DG 4-2-04, 3301 College Avenue)
- 5.17. **BOUNDARY PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-133 APPROVING THE BOUNDARY PLAT KNOWN AS SPEAR AND VARAT PLAT
AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE
THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN
SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-2-03, 8550
Stirling Road)

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- 5.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-134 ACCEPTING THE STIPULATED AGREEMENT AND RESOLUTION OF CONTRACT DISPUTE RELATED TO THE CONSTRUCTION OF THE 61ST AVENUE PARK POOL AND RESTROOM BUILDING PROJECT, AND PROVIDING FOR AN EFFECTIVE DATE.
- 5.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING
R-2004-135 THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF OPEN SPACE SITE OS-82, AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE.
- 5.20. **OBLIGATIONS** - A RESOLUTION OF THE TOWN OF DAVIE PROVIDING
R-2004-136 THAT THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR SITE OS-82 WILL BE INCLUDED WITHIN THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM.
- 5.21. **SUBLET** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE BOYS AND GIRLS CLUBS OF BROWARD COUNTY TO SUBLET A PORTION OF THE FLAMINGO ELEMENTARY SITE SUBLEASED AS THE FLORENCE DEGEORGE BOYS AND GIRLS CLUB TO ACCOMMODATE A CHARTER MIDDLE SCHOOL TO BE OPERATED BY THE TOUCHDOWNS4LIFE, INC.
- 5.22. **CLASS SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING JOB CLASSIFICATION TITLES, JOB CLASSIFICATION SPECIFICATIONS, AND SALARY RANGES FOR FIRE BATTALION CHIEF, POLICE CAPTAIN, PUBLIC INFORMATION SPECIALIST, AND SENIOR PROJECT MANAGER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Site Plans

- 5.23. SP 5-4-03, Sunshine Estate, 5801 SW 61 Avenue (R-2) *Site Plan Committee recommended approval subject to the planning report and the following: 1) add signage indicating "pedestrian access to wetlands" on the easements going back to the wetland area; 2) make it clear on the site plans that the perimeter area located in back of the houses is a swale area for drainage; 3) make certain that the common areas have irrigation; and 4) that the driveways on lots 1 and 13 be located as far west as possible on those two properties*

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- 5.24. SP 11-5-03, Ruby Tuesday, 11600 State Road 84 (B-2) *Site Plan Committee recommended approval subject to the planning report and the following: 1) add the sidewalks on either side of the entrance median for people to access the front doors; 2) change the color of the aluminum fence on the south side which is screening the service area to match the building color; 3) coordinate the building elevation labels with the site plan (such as north, south, east and west); 4) remove neon lighting bands from the top of the building (unless the lighting is defused and not "exposed neon"), and re-examine the overall lighting of the building; 5) raise the parapet at least three feet to be used as the mechanical screen and thereby eliminating the proposed mechanical screen on the roof; 6) look at the parking lot lighting which appears to be too low at the main entrance drives and at the entrance to the building; 7) add ten accent plants, 3- to 4-feet high, on the northwest corner of the building; 8) remove the hedge located at the propane tank and grease-trap area and replace it with accent plants that are 3- to 4-feet tall; and 9) work with the Engineering Department for a traffic analysis on exiting the east entrance, to see if a cut could be made through the median for a left-turn exit*

Temporary Use Permits

- 5.25. TU 4-1-04, Nova High School Band, Inc., 7911 Orange Drive (sparkler sales)
5.26. TU 4-4-04, Davie Merchants and Industrial Association Inc., 2701 North University Drive (firework sales)
5.27. TU 4-5-04, Davie Merchants and Industrial Association Inc., 7110-7160 Stirling Road (firework sales)
5.28. TU 5-2-04, Country Western Village, 7500 Griffin Road (construction trailer)
5.29. TU 5-3-04, Florida Street Rods, Inc., 1904 South University Drive (weekly car show)

Item Added

- 5.30. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE TURNPIKE BUSINESS CENTER PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 5-2-04 Turnpike Business Center Plat a.k.a. Andrx Pharmaceuticals, Inc., 4955 Orange Drive)

Councilmember Crowley requested that item 5.10 be removed from the Consent Agenda. Councilmember Hubert requested that items 5.11, 5.14, 5.22, and 5.29 be removed. Councilmember Starkey requested that items 5.8, 5.15 and 5.24 be removed. Vice-Mayor Paul requested that items 5.13, 5.17, and 5.21 be removed. Mayor Truex requested that item 5.6 be removed.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda without items 5.6, 5.8, 5.10, 5.11, 5.13, 5.14, 5.15, 5.17, 5.21, 5.22, 5.24, and 5.29. In a voice vote, all voted in favor. (Motion carried 5-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.6 Mayor Truex indicated that he would be voting against this item.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

5.8 Councilmember Starkey spoke of the playground rendering and asked how much of the area shown would be green space. Public Works/Capital Projects Director Bruce Bernard indicated that

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60% of the land would be open space. Councilmember Starkey asked if there was a way to phase the expenses in. Mr. Bernard indicated that everything was paid for all at once.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.10 Councilmember Crowley asked Town Engineer Larry Peters about the progress on this item. Mr. Peters advised that the Town was moving forward with the project. Councilmember Starkey asked if there were any opportunities for grant funding. Mr. Willi advised that the Town had applied for various grants and had used other funds toward drainage expenses. Vice-Mayor Paul voiced her appreciation for Mr. Peters' efforts on this item.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

5.11 Councilmember Hubert advised that the Agenda Report should indicate District 4 instead of District 1.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.13 Vice-Mayor Paul advised the resolution had been amended and explained the changes.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.14 Councilmember Hubert asked what the original complaint was.

Development Services Director Mark Kutney advised that the original violations were for accumulation of trash, waste, debris and failure to keep the property free of high grass and weeds.

Mayor Truex objected to the amount that the special master stipulated and felt it should fall within the Town's guidelines. Mr. Willi advised that the death of the property owner was the resounding issue and the other co-owner was not aware of any liens.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve subject to the fine being reduced to the Town's guideline of \$6,099.19. In a voice vote, all voted in favor. (Motion carried 5-0)

5.15 Councilmember Starkey indicated she and Vice-Mayor Paul had attended the Broward Working Group meetings with regard to the C-11 basin and Everglades restoration. She asked if the Town could host the next working group meeting in July or August. Council agreed.

Vice-Mayor Paul reminded the residents of the importance of the Everglades restoration due to phosphate levels in the water. She urged residents to be involved with this issue.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.17 Bill Laystrom, representing the petitioner, indicated that the Broward County Commission had objected to the site becoming commercial.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.22 Human Resources Management Director Mark Alan explained that the resolution updated job specification language and created a Senior Project Manager position.

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Councilmember Starkey stated that no budget impact was provided. Mr. Alan indicated that there was no budget impact on the current job classifications, the position being created was one-step higher than the Project Manager, which would have a minimal impact. Councilmember Starkey was concerned about creating a position without assessing its possible impact on the budget. She preferred to wait until the budget process was complete before moving forward on approving new positions. Mr. Alan indicated that at this point, action from Council had no impact other than approving the job classification, job description, and pay range.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.24 Councilmember Starkey welcomed Ruby Tuesday to Davie.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.29 Councilmember Hubert asked if there was a rate increase for the permit since last year. Planning and Zoning Manager Fernando Leiva indicated in the affirmative.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.30 Mr. Leiva explained the nature of the request.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7. PUBLIC HEARING

Ordinances - Second and Final Reading

7.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 19, 2004) {Approved on First Reading September 3, 2003 - all voted in favor with Councilmember Paul dissenting}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Glenn Flutie, representing Professional Display Ads, provided aerial photographs of the site his company proposed for the billboard. He asked Council to approve this ordinance on behalf of the charities involved and on behalf of the residents they served.

Mayor Truex closed the public hearing.

Mayor Truex advised Councilmember Crowley of the discussion held at the last Council meeting. Councilmember Crowley felt that more creative solutions should be sought in favor of the charities. He was not in favor of billboards as he considered them to be visual pollution.

Councilmember Crowley made a motion, seconded by Mayor Truex, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

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Vice-Mayor Paul reminded Council that she had suggested in the past to have a charity horse show where 100% of the proceeds would go to help charities. She indicated Council could work harder on creative ideas such as these.

Councilmember Starkey thanked the billboard companies and charities for their good intentions during this process but again voiced her concern about adding more billboards. She indicated that she would work with these organizations on any charities that needed help.

- 7.2. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2004-18 **APPROVING VA 3-1-04, VACATING AND PROVIDING FOR DRAINAGE EASEMENTS WITHIN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE VILLAS OF ROLLING HILLS AND VILLAS OF ROLLING HILLS NORTH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 3-1-04, 3200-3550 Rolling Hills Circle) {Approved on First Reading May 19, 2004 - all voted in favor with Councilmember Crowley being absent motion carried 4-0}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Rod Feiner, representing the applicant, indicated that the ordinance was an attempt to correct a scrivener's error.

Mayor Truex closed the public hearing.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 7.3. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2004-19 **APPROVING REZONING PETITION ZB 3-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT (FORMAN AGREEMENT) TO B-1, NEIGHBORHOOD BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-3-04, Broward Schools Credit Union/Motiva Enterprises, LLC, 3000 SW 64 Avenue) {Approved on First Reading May 19, 2004 - all voted in favor with Councilmember Crowley being absent motion carried 4-0}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Resolution

- 7.4. **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2004-138 **ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2004-2008.**

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Mr. Willi advised of the purpose of this item and explained that staff had developed further details for each line item on the capital budget. He added that the number of programs were consistent with previous years.

Town Clerk Muniz read the resolution by title.

Mr. Willi indicated that the budget was a working document. He requested that for fiscal year 2005, \$18,000 be added for an equestrian pedestrian crossing at 142nd Avenue and Orange Drive.

Councilmember Hubert asked what was wrong with the Town's bathrooms. Mr. Willi explained that the public restrooms needed to be maintained. Councilmember Hubert asked where traffic calming was going. Mr. Willi indicated that staff would allocate traffic calming measures per Council's requests and advised that guardrail maintenance was budgeted. Councilmember Hubert asked why the Town was paying for the Old Davie School cafeteria with Mr. Willi responding that the facility was Town property.

Councilmember Crowley asked about the stormwater maintenance and wondered why no equipment was placed in the capital budget. Mr. Willi responded that recommendations would be made to Council on how to fund this equipment. Mr. Bernard indicated that staff was waiting until Council held discussions on funding before adding this item to the budget.

Councilmember Starkey asked about the deep well injection. Mr. Willi advised that the deep well projects involved pumping out lime and salt pollutants. Councilmember Starkey was concerned that this might not be permitted and asked for more information. She asked if the money being spent on wetlands would come back to the Town. Mr. Willi indicated in the affirmative.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - First Reading/Quasi Judicial (Second and Final Reading to be held June 16, 2004)

7.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-1 NEIGHBORHOOD BUSINESS DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-2-04, Voight/B & R Real Estate Services, LLC, 6650 Nova Drive (tabled from May 19, 2004) *Planning and Zoning Board recommended approval subject to deed restrictions which would restrict from any other uses except for what the parcel was used for now; hours of operation were limited to 6 a.m. to midnight; that the site would be "revamped"; and that there be no additional variance applications*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item on June 16, 2004.

Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Leiva summarized the planning report.

Jon Voight introduced Mr. Rodriguez who was representing the applicant. Mr. Rodriguez spoke of the history of the gas station and explained how it had survived as a non-conforming use site. He indicated that the request was simply to re-open the gas station.

Councilmember Crowley asked how many surrounding residents were notified. He wanted to know that an effort would be made to contact the surrounding residents.

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Councilmember Hubert asked for the hours of the competitor. Mr. Voight assumed they were open 24 hours.

Councilmember Starkey asked how soon after the business went under that a listing agreement was signed. Mr. Rodriguez indicated he had purchased the site in November, 2003 from the bank that foreclosed on the business. Councilmember Starkey asked what the closest distance was between a residential unit and the pumps. Mr. Voight indicated that one property line was 132 feet away and another that was 122 feet away.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley advised that he had spoken with Mr. Laystrom. Councilmember Starkey indicated she had spoken with Mimi Turin who sat on the Planning & Zoning Board. Mayor Truex disclosed that he had spoken with Mr. Laystrom.

Councilmember Starkey objected to granting variances and stated that the Code was written to eliminate non-conforming uses. She asked why nothing was included in the backup that indicated that public participation outreach was conducted. Mr. Leiva indicated that that initiative had not been approved by Council at the time and that it would be inappropriate to require the applicant to do so at the time.

Mayor Truex agreed that it would be inappropriate to allow the re-establishment of a non-conforming use. He did not feel the criteria for the rezoning had been met and felt Council should treat this request like other requests that were denied for non-conforming use.

Councilmember Starkey did not feel the gas station was necessary at the location. Councilmember Crowley also voiced his doubts about the success of the gas station at that site.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinance - First Reading (Second and Final Reading to be held at a later date)

7.6. **COMPREHENSIVE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 04-1, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TEXT TO INCREASE THE MAXIMUM HEIGHT LIMIT FOR INDIVIDUAL STRUCTURES WITHIN THE REGIONAL ACTIVITY CENTER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item at a later date.

Mr. Kutney summarized the planning report.

Dennis Mele, representing the applicant, explained why this request was necessary.

Mayor Truex asked Mr. Mele about the timeframe for the process. Mr. Mele indicated that the text amendment would be transmitted to the Department of Community Affairs, who would return a report to Council within 60 days.

Vice-Mayor Paul asked if any adjustments were made to the site plan. Mr. Mele indicated the site plan was the same.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

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Mayor Truex opened the public hearing for this item. As no one spoke, Mayor Truex closed the public hearing.

In a second roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Items to be tabled or withdrawn

7.7. STAFF REQUESTING A TABLING TO JUNE 16, 2004

V 3-1-04, Voight/B & R Real Estate Services, LLC, 6650 Nova Drive (tabled from May 19, 2004)

This item was tabled earlier in the meeting.

7.8. STAFF REQUESTING A TABLING TO JULY 7, 2004

LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA 03-10, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCE/OFFICE" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LA 03-10, Lakeside Shops, 5800 South University Drive) (tabled from May 19, 2004) *Local Planning Agency recommended approval (Supermajority vote required) {Approved on First Reading February 18, 2004 - all voted in favor}*

This item was tabled earlier in the meeting.

7.9. STAFF REQUESTING A TABLING TO JULY 7, 2004

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CC, COMMERCE CENTER DISTRICT TO UC, URBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-03, Stiles Development Co./Wolf, 5700 University Drive) (tabled from May 5, 2004) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

7.10. WITHDRAWN BY STAFF; TO BE READVERTISED

ZONING MAP - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 AND 2 AS REQUIRED BY THE TOWN OF DAVIE LAND DEVELOPMENT CODE; PROVIDING FOR REZONING OF ALL PROPERTY IN THE TOWN'S ZONING CONFORMANCE AREA 1 AND 2 IN CONFORMANCE WITH THE ZONING DESIGNATIONS CONTAINED ON THE OFFICIAL ZONING MAP OF THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from April 21, 2004)

This item was withdrawn earlier in the meeting.

TOWN COUNCIL MINUTES
JUNE 2, 2004

8. APPOINTMENTS

- 8.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Councilmember Crowley appointed Ms. Aiken.

- 8.2. Budget Advisory Committee Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members shall have experience in a financial related occupation, or similar skills)

Councilmember Crowley appointed Stephanie Bell.

- 8.3. Child Safety Board (two exclusive appointments - Councilmembers Crowley and Mayor Truex; one exclusive appointment - Councilmembers Hubert and Starkey; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Hubert appointed Janet Davis.

- 8.4. Community Relations Advisory Boards (one exclusive appointment - Councilmembers Crowley and Hubert) (terms expire April 2006)

Councilmember Hubert appointed Karen Stenzel-Nowicki. Councilmember Crowley appointed Donna Mongston.

- 8.5. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 8.6. Parks and Recreation Advisory Board Agency (two exclusive appointments - Councilmembers Crowley and Starkey; one exclusive appointment - Vice-Mayor Paul and Mayor Truex; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Vice-Mayor Paul reappointed Mark Solomon. Councilmember Starkey appointed Michael Bartlett and Barbara Egues.

- 8.7. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 8.8. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Hubert and Mayor Truex; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 8.9. Water and Environmental Advisory Board (one exclusive appointment - Councilmember Crowley and Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

Councilmember Crowley appointed Hans Murzi.

TOWN COUNCIL MINUTES

JUNE 2, 2004

8.10. Broward League of Cities Voting Delegate and Alternate (June 2004 - May 2005)

Councilmember Starkey advised Council of the meeting times and encouraged other Councilmembers to attend. Councilmember Crowley indicated he would not mind being an alternate.

Councilmember Crowley made a motion, seconded by Mayor Truex, to appoint Councilmember Starkey as delegate. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to appoint Councilmember Crowley as alternate delegate. In a voice vote, all voted in favor. (Motion carried 5-0)

9. OLD BUSINESS

9.1. Reconsideration of Auditing Firm (tabled from May 19, 2004)

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH GRAU & COMPANY, P.A. TO PROVIDE AUDITING SERVICES.

Councilmember Hubert advised that she had spoken with representatives from Grau. She explained the timeframes that were discussed and the reduction in price. Council discussed the changes that were made.

Tony Grau, Sr. indicated that his company was uncomfortable with how the Town arrived at the definition for penalties but indicated his willingness to answer questions.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve with all changes and subject to printing of the CAFR in-house. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

9.2. Town Administrator's Salary (tabled from May 19, 2004)

Mayor Truex advised that this item was discussed at the last meeting and the motion tied.

Councilmember Crowley asked if the motion was for a 5% increase. Councilmember Hubert responded in the affirmative, however, she thought it should be higher. Mayor Truex advised that he voted against the 5% because of the three month additional severance and the new pension plan.

Councilmember Hubert made a motion to give Mr. Willi more than 5% to bring his salary comparable to other municipalities.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve a raise for Mr. Willi in the amount of 5%. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion carried 3-2)

10. NEW BUSINESS

10.1. VA 5-1-04, Flamingo Road Estates, 1401 Flamingo Road

Mr. Leiva explained the request.

Bill Laystrom, representing the applicant, explained the nature of the request. He stated that the applicant was awaiting Council's direction on what to do about removing SW 14th Street off the trafficways.

Councilmember Starkey indicated that in the past, the community had been adamant about the neighborhood and its opposition to putting this street through. She indicated that she had not been informed of any staff difficulties relating to this item until recently. Mr. Willi explained that this item was before Council for policy direction at the time.

TOWN COUNCIL MINUTES

JUNE 2, 2004

Vice-Mayor Paul advised she did not want to vacate the road. She felt that Council should look into developing future policies if a developer wanted to vacate property, they would have to purchase the land from the Town. Vice-Mayor Paul preferred to see landscaping and a trail. Mr. Laystrom indicated that a trail was intended by the developer. He advised that the filing of the plat showed the vacating of the right-of-way, which led to the current request to take the property off the trafficways plan.

Mr. Leiva emphasized that staff recommended that this segment of SW 14th Street remain with the Town. He voiced staff's concern about taking the road off the trafficways and future complications that may result if the Town wished to use the road in the future.

Mayor Truex asked if anyone wished to speak on this issue.

June Connors indicated that her concern was the connectivity and indicated that her neighbors did not want a road to go through.

10.2. Suggested Charter Changes

Mr. Willi advised of the background of this issue.

Councilmember Crowley indicated that most of the suggested changes were for housekeeping items. Mayor Truex felt that some of these changes suggested were minor and he was not in favor of considering changes at the current time. Vice-Mayor Paul disagreed with Mayor Truex. Councilmember Crowley asked the date of the last review. Mayor Truex advised that a review was held in 2000. Vice-Mayor Paul felt the process afforded staff the opportunity to perform some housekeeping and make changes that they had been wrestling with. Councilmember Hubert was in favor of leaving it alone as the process was long and tedious. Councilmember Starkey did not feel a review was necessary at the current time.

10.3. Reschedule July 21, 2004 Town Council Meeting

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to move the July 21, 2004 meeting to July 14, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER HUBERT.

Happy Birthday. Councilmember Hubert and Council wished Vice-Mayor Paul and Councilmember Starkey a happy birthday.

Congratulations. Councilmember Hubert congratulated Mr. Kiar for being sworn in at the Supreme Court in Washington D.C.

Golf Tournament. Councilmember Hubert advised that the Lisa Strong Golf Tournament would be held on June 7th.

Help needed. Councilmember Hubert asked for help on behalf of a resident single mom who had lost her job.

COUNCILMEMBER CROWLEY.

Baseball Championship. Councilmember Crowley congratulated Nova High School for winning the state baseball championship. He requested to have a presentation at the next Council meeting for the Nova High School baseball team.

COUNCILMEMBER STARKEY.

Celebration. Councilmember Starkey indicated that St. David's was celebrating 30 years and would be holding its barbecue.

TOWN COUNCIL MINUTES
JUNE 2, 2004

Meeting. Councilmember Starkey spoke of a meeting scheduled to discuss the Hiatus Road and 26th Street improvements to be held on June 8 at 7 p.m. at Robbins Lodge.

Conference. Councilmember Starkey spoke of the Florida League of Cities conference to be held August 19th-21st at the Westin Diplomat Hotel and asked if the Town would be interested in setting up a display. She wanted to augment the table-top display with items from the Town, the Davie/Cooper City Chamber of Commerce, Nova Southeastern University, and open space.

VICE-MAYOR PAUL.

Bus Pickup. Vice-Mayor Paul wanted to speak with Susan Dean about Ms. Woods' request for bus pickup of the handicapped.

Grants. Vice-Mayor Paul inquired about grant opportunities for access roads for the Police and Fire Departments.

Congratulations. Vice-Mayor Paul congratulated Mayor Truex on his daughter Ellen's achievement on the FCAT test. Vice-Mayor Paul requested that Ellen Truex attend the next meeting to receive a Certificate of Achievement.

MAYOR TRUEX.

Sunny Lakes. Mayor Truex asked about the status of the Sunny Lakes purchase. Mr. Kiar advised that the contract had been sent to Mr. Laystrom and he was awaiting Mr. Laystrom's response with regard to Mr. Willi's suggestions.

Councilmember Starkey asked if Mr. Willi had recommended not to do a phase one appraisal. Mr. Willi felt it was more prudent to hold off until the grant was approved because of the costs involved in doing the appraisal. Vice-Mayor Paul asked if there was a time limit on an appraisal, as she was concerned about compromising the Town's efforts. Mayor Truex requested giving staff latitude on resolving this issue. Councilmember Crowley agreed that an environmental study needed to be done at some point.

Charities. Mayor Truex asked if Mr. Zacco was paying anything toward charities. Vice-Mayor Paul advised that Mr. Zacco had requested to meet with her to discuss this. Mayor Truex asked Vice-Mayor Paul to inform him of Mr. Zacco's decision.

12. TOWN ADMINISTRATOR'S COMMENTS

Meeting. Mr. Willi advised that Senator Geller and Representative Ryan would hold a meeting in the Council Chambers on July 1st.

13. TOWN ATTORNEY'S COMMENTS

SHERIDAN HOUSE. Mr. Kiar spoke of the progress of the Sheridan House litigation and advised that two staff members would testify the following day.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:51 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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